

United States Circuit Court of Appeals

FOR THE NINTH CIRCUIT.

J. W. ROBINSON, as Assignee of a Certain Judgment Entered in the Circuit Court of the United States for the Western District of Washington, Northern Division, in the Cause Entitled HANNAH O'CALLAGHAN and EDWARD CORCORAN, Complainants, vs. TERRENCE O'BRIEN, as Administrator of the Estate of JOHN SULLIVAN, Deceased, and MARIE CARRAU, Defendants,

Appellant,

vs.

W. F. HAYS and W. M. RUSSELL,

Appellees.

In the Matter of the Establishment of a Certain Lien Claim of W. F. HAYS, etc.

ORIGINAL EXHIBITS.

Upon Appeal from the United States Circuit Court for the Western District of Washington, Northern Division.

[Certificate of Clerk U. S. Circuit Court to Original Exhibits.]

In the Circuit Court of the United States for the Western District of Washington, Northern Division.

HANNAH O'CALLAHAN and EDWARD CORCORAN,

Complainants,

vs.

TERRENCE O'BRIEN, Administrator, etc., and
MARIE CARRAU,

Respondents.

United States of America,
Western District of Washington,—ss.

I, A. Reeves Ayres, Clerk of the Circuit Court of the United States for the Western District of Washington, do hereby certify that the hereto attached sealed package contains the original exhibits introduced and used upon the trial of the foregoing entitled cause as follows: "Hays'" Exhibits 1 to 3 and 5 to 21, inclusive. "Robinson's" Exhibits "A," "B," "C" and "D," the said exhibits being transmitted to the United States Circuit Court of Appeals, there to be inspected and considered together with the transcript of the record on appeal in this cause; these said exhibits being so transmitted pursuant to the order of the Circuit Court made and entered in said cause June 23, 1910, a copy of which order is attached to and made a part of this certificate.

In witness whereof I hereto set my hand and affix my official seal, at Seattle in said District, this 23d day of June, 1910.

[Seal]

A. REEVES AYRES,
Clerk.

By W. D. Covington,
Deputy Clerk.

**[Order Directing Transmission of Original Exhibits
to Appellate Court.]**

*In the Circuit Court of the United States for the
Western District of Washington, Northern Di-
vision.*

HANNAH O'CALLAHAN and EDWARD COR-
CORAN,

Complainants,

vs.

TERRENCE O'BRIEN, Administrator, etc., and
MARIE CARRAU,

Respondents.

Now, on this 23d day of June, 1910, upon motion of J. W. Robinson, Esq., Attorney for Complainant and Appellant, and for sufficient cause appearing;

It is ordered that the Clerk of this Court may transmit to the United States Circuit Court of Appeals for the Ninth Judicial Circuit, there to be inspected and considered, together with the transcript of the record on appeal in the above-entitled cause, heretofore, to wit, May 9, 1910, transmitted to said Circuit Court of Appeals, the original exhibits introduced and used upon the trial of this cause as fol-

lows: "Hays' " Exhibits 1 to 3 and 5 to 21, inclusive;
"Robinson's" Exhibits "A," "B," "C" and "D."

C. H. HANFORD,

Judge.

[Hays' Exhibit No. 1.]

THIS MEMORANDUM OF AGREEMENT WITNESSETH, That

WHEREAS, the late John Sullivan died in the City of Seattle on the 26th day of September, 1900, leaving an estate consisting of money, personal property and real estate estimated to be worth about the sum of Five hundred thousand dollars (\$500,000.); and the said John Sullivan prior to his said death, to-wit: on the 25th day of September, 1900, made, declared and published his last will and testament, by the terms of which will he made the undersigned Marie Carrau his sole legatee, and

WHEREAS, it is necessary for the said Marie Carrau in order to assert her right under said will to said decedent's estate, and for the purpose of obtaining the ultimate ownership of said estate, or whatever right, title or interest she may have, or may hereafter have, or decreed to her, it is necessary to employ attorneys, and for such purpose the said, the undersigned Marie Carrau hereby retains and employs as her principal and senior counsel W. F. Hays, attorney at law, and she hereby authorizes and empowers the said W. F. Hays to take such proceedings and prosecute such suit or suits, action or actions, as to him shall seem most proper and expedient under the facts and the law; and the said Marie Carrau

hereby agrees not to employ any other additional or associate counsel or attorney without the written consent and direction of the said Hays, the said Hays to have the sole direction and management of the matters connected with the estate of the said John Sullivan as above indicated, and

I HEREBY AGREE TO PAY to the said Hays as my said attorney a sum of money equal to one-half ($\frac{1}{2}$) of whatever sum of money may be obtained for the said Marie Carrau, and a sum of money equal to one-half ($\frac{1}{2}$) of whatever sum that may be recovered herein in the form of property, the valuation thereof to be made by the said Hays and the undersigned Marie Carrau by mutual agreement as to said valuation, if agreement thereon is had, and, if not, that the sum may be determined by arbitration as to the amount and value of the property so recovered for the said Marie Carrau, and

IT IS UNDERSTOOD AND AGREED on the part of the said Marie Carrau that she will pay such compensation either in cash or by the execution of a first mortgage upon the property so obtained by her, or that she will execute a deed for the undivided one-half ($\frac{1}{2}$) interest in said property when the same shall have been by her obtained.

IT IS FURTHER UNDERSTOOD AND AGREED that the said Marie Carrau shall have the right to employ, with the consent and approval of the said Hays, associate counsel herein, and to pay said associate counsel a sum of money not exceeding 10% of the entire sum of said estate, and when so paid or final settlement shall be made between the

said Marie Carrau and the said Hays that the sum paid out for associate counsel shall be deducted from the sum total of said estate, and the amount payable under the terms of this contract to the said Hays to be bottomed upon the sum remaining after making said deduction for the said associate counsel.

IT IS UNDERSTOOD that whatever costs, fees or charges of the courts in such action or proceedings that may be required or advanced shall be paid by the said Marie Carrau out of said estate, and the sum herein agreed to be paid to the said Hays is to be the one-half ($\frac{1}{2}$) of said estate after making said deductions for associate counsel and costs or necessary expenses in the premises.

IN WITNESS WHEREOF we have hereunto set our hands this 7th day of March, 1901, at Seattle, Washington.

MARIE CARRAU.

W. F. HAYS.

[Endorsed on Back:] 943. Filed in the U. S. Circuit Court, Western Dist. of Washington. Oct. 30, 1908. A. Reeves Ayres, Clerk. A. N. Moore, Dep. "Hays."

No. 1861. U. S. Circuit Court of Appeals for the Ninth Circuit. "Hays' Exhibit 1." Received Jun. 27, 1910. F. D. Monckton, Clerk.

[Hays' Exhibit No. 2.]

Seattle, Wash., Oct. 10, 1900.

THIS MEMORANDUM WITNESSETH that

WHEREAS, the late John Sullivan died in the City of Seattle, on the 26th day of September, 1900, leaving a large estate in money and property, and in which the undersigned, Marie Carrau, is by right and lawfully entitled to inherit the same, or at least a large portion thereof, and

WHEREAS, it is necessary for the said Marie Carrau in order to assert her right to said interest in said decedent's estate it is necessary to prosecute an action at law, or some other proceeding to be taken,

THEREFORE, the undersigned, Marie Carrau, hereby retains and employs W. F. Hays, Attorney at law, to take such proceedings and prosecute such suit or suits, action or actions, as to him shall seem most proper and expedient under the facts and the law, and for such services the said Marie Carrau agrees to pay to the said Hays as attorney's fees a sum of money equal to one-half ($1/2$) of whatever sum may be realized by him for her in any such action or proceeding, or by any compromise that may be affected, and this to be compensation in full to the said Hays for such services.

It is understood that whatever costs, fees or charges of the Court in such action or proceeding that may be required to be advanced shall be deducted from the sum so recovered and the sum pay-

able to the said Hays shall be reckoned upon said basis.

It is further understood that said compensation in case of the securing of property that the property to be paid shall be equally divided according to the conditions of this employment by mutual division

This agreement in duplicate.

MARIE CARRAU.

W. F. HAYS.

Witness:

LOUIS DAUSSAT.

ALICE BARTA.

[Endorsed on Back:] #943. Filed in the U. S. Circuit Court, Western Dist. of Washington. Oct. 30, 1908. A. Reeves Ayres, Clerk. A. N. Moore, Dep. "Hays."

No. 1861. U. S. Circuit Court of Appeals for the Ninth Circuit. "Hays' Exhibit 2." Received Jun. 27, 1910. F. D. Monckton, Clerk.

[Hays' Exhibit No. 3.]

THIS AGREEMENT WITNESSETH: That Whereas the Undersigned Marie Carrau is the sole legatee and devisee of the late John Sullivan, deceased, and is expecting to obtain by judicial proceedings the property of the said estate, and it is necessary to lay out and expend money in the assertion of her rights under said devise, Wherefore, in order to obtain the sum of Four Hundred and Twenty-Five Dollars (\$425) from William M. Russell, Esq., the undersigned Marie Carrau, in consideration of such advancement and for the use of said money,

hereby agrees, in case she shall succeed in obtaining said estate or any part thereof, pay to the said William M. Russell the sum of One Thousand Dollars (\$1000) and in case she shall fail and not recover any sum of said estate, she agrees hereby to pay back said principal sum of \$425 with lawful interest thereon from date until paid, said payment to be due as soon as a final decree awarding, or refusing to award, to the said Marie Carrau her interest in said estate.

IN WITNESS WHEREOF, the parties have hereunto set their hands this seventh day of April, 1902.

MARIE CARRAU.

W. F. HAYS (guarantor).

W. M. RUSSELL.

[Endorsed on Back:] #943. Filed in the U. S. Circuit Court, Western Dist. of Washington. Oct. 30, 1908. A. Reeves Ayres, Clerk. A. N. Moore, Dep. "Hays."

No. 1861. U. S. Circuit Court of Appeals for the Ninth Circuit. "Hay's Exhibit 3." Received Jun. 27, 1910. F. D. Monckton, Clerk.

[Hays' Exhibit No. 5.]

[Billhead of Mensing-Muchmore Company.]

Seattle, U. S. A., Jan. 27, 1903.

Sold to W. F. Hays

Our Order No. B 1584

30 Copies Brief, Carrau Case, \$117.00

Paid

M. M. CO.,

A. M.

[Endorsed on Back:] 943. #5. Filed in the U. S. Circuit Court, Western Dist. of Washington. Oct. 30, 1908. A. Reeves Ayres, Clerk. A. N. Moore, Dep. "Hays."

No. 1861. U. S. Circuit Court of Appeals for the Ninth Circuit. "Hays' Exhibit 5." Received Jun. 27, 1910. F. D. Monckton, Clerk.

[Hays' Exhibit No. 6.]

WASHINGTON NATIONAL BANK

U. S. Depository

Seattle, Washington, Mar. 3, 1902.

Received from W. F. Hays ch. One Hundred Fifty Dollars Account of Cable transfer £30 % to Donegan Lawyer Cork.

THE WASHINGTON NATIONAL BANK
OF SEATTLE,

WM. THAANUM,

Teller.

[Endorsed on Back:] #943. #6. Filed in the U. S. Circuit Court, Western Dist. of Washington. Oct. 30, 1908. A. Reeves Ayres, Clerk. A. N. Moore, Dep. "Hays."

No. 1861. U. S. Circuit Court of Appeals for the Ninth Circuit. "Hays' Exhibit 6." Received Jun. 27, 1910. F. D. Monckton, Clerk.

[Hays' Exhibit No. 7.]

 WASHINGTON NATIONAL BANK OF SEATTLE.

Seattle, Wash., Mar. 3, 1902.

MEMORANDUM CHECK

For 2 Telgs. to N. Y. % Cable to Cork.....	\$2.00
Exch T/T \$150.00 to N. Y.....	.75
	<hr/>
	\$2.75

Debit W. F. HAYS.

 WASHINGTON NATIONAL BANK OF SEATTLE.

Seattle, Wash., Apr. 7, 1902.

MEMORANDUM CHECK.

For Cost Cable to Dublin £30—%.....	\$2.50
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Debit W. F. HAYS.

[Stamped across face:] Paid.

 WASHINGTON NATIONAL BANK OF SEATTLE.

Seattle, Wash., Mar. 10, 1902.

MEMORANDUM CHECK

For Cable to Cork, Ireland 3/4.....	\$2.50
-------------------------------------	--------

Debit W. F. HAYS.

[Stamped across face:] Paid.

WASHINGTON NATIONAL BANK

U. S. Depositary

Seattle, Washington, Apr. 7, 1902.

Received from W. F. Hayes One hundred fifty
Dollars account of Cable to Collins Solicitor Dublin.

THE WASHINGTON NATIONAL BANK
OF SEATTLE,

THAANUM,

Aud.

[Endorsed on Back:] 943. #7. Filed in the
U. S. Circuit Court, Western Dist. of Washington.
Oct. 30, 1908. A. Reeves Ayres, Clerk. A. N.
Moore, Dep. "Hays."

No. 1861. U. S. Circuit Court of Appeals for the
Ninth Circuit. "Hays' Exhibit 7." Received Jun.
27, 1910. F. D. Monckton, Clerk.

[Hays' Exhibit No. 8.]

[Billhead of McGill & Wallace.]

Washington, D. C., May 4, 1904.

Mr. W. F. Hays

To 40 Copies Brief

"Motion to Dismiss Appeal"

(Case of O'Callahan et al vs.

O'Brien et al.)... .. 5 —

To 40 Copies Brief

"In support of Motion to Dismiss

Appeal"... .. 12 —

To 40 Copies Brief

"In opposition to Motion for

Writ of Certiorari"... .. 10 — \$27 00

Paid May 21, 1904.

MCGILL & WALLACE.

[Endorsed on Back:] #943. #8. Filed in the U. S. Circuit Court, Western Dist. of Washington. Oct. 30, 1908. A. Reeves Ayres, Clerk. A. N. Moore, Dep. "Hays."

No. 1861. U. S. Circuit Court of Appeals for the Ninth Circuit. "Hays' Exhibit 8." Received Jun. 27, 1910. F. D. Monckton, Clerk.

[Hays' Exhibit No. 9.]

[Billhead of Times Printing Company.]

Seattle, Washington, June 14/07.

Sold to W. F. Hays

424 N. Y. Blk.

Estate John Sullivan

3³/₄" 4 t wkly May 22 to June 12, 15"

c. 40\$6 00

3³/₄" 1 t Dly May 22, c. 50..... 1 85 \$7 85

Paid 6/17/01.

THE TIMES PRINTING CO.,
EDDY.

[Endorsed on Back:] #943. #9. Filed in the Circuit Court, Western Dist. of Washington. Oct. 30, 1908. A. Reeves Ayres, Clerk. A. N. Moore, Dep.

No. 1861. U. S. Circuit Court of Appeals for the Ninth Circuit. "Hays' Exhibit 9." Received Jun. 27, 1910. F. D. Monckton, Clerk.

[Hays' Exhibit No. 10.]

DISTRICT OF WASHINGTON.

\$25.00

Seattle, Oct. 22, 1901.

Received from W. F. Hays, ~~Proctor~~ Attorney for Marie Carrau, the sum of Twenty-five Dollars on account of default in cause of Hannah O'Callighan et al. vs. Terence O'Brien, No. 934, U. S. Circuit Court.

A. REEVES AYRES,
Clerk.

By A. N. Moore,
Deputy.

~~Referee's Fee \$10.00~~
~~Clerk's Fee \$10.00~~
~~Trustee's Fee \$ 5.00~~

[Endorsed on Back:] #943. Filed in the U. S. Circuit Court, Western Dist. of Washington. Oct. 30, 1908. A. Reeves Ayres, Clerk. A. N. Moore, Dep. "Hays."

No. 1861. U. S. Circuit Court of Appeals, for the Ninth Circuit. "Hays' Exhibit 10." Received Jun. 27, 1910. F. D. Monckton, Clerk.

[Hays' Exhibit No. 11.]

FIFTY-SEVENTH CONGRESS.

JOHN H. MITCHELL, Oregon, Chairman.

Joseph R. Hawley, Conn.

Julius C. Burrows, Mich.

Boies Penrose, Pa.

Charles H. Dietrich, Nebr.

Geo. L. Wellington, Md.

George Turner, Wash.

Charles A. Culberson, Texas.

James P. Taliaferro, Fla.

Alexander S. Clay, Ga.

F. McL. Simmons, N. C.

Harry C. Robertson, Clerk.

Committee on Coast Defenses,
UNITED STATES SENATE,

Washington, D. C.,

May 18, 1904.

W. T. Hays, Esq.,

Cambridge, Ill.

Mr. dear Mr. Hays—I have just wired you to Cambridge telling you that the Supreme Court had decided that the motion for Certiorari should go over until the second Monday in October and it and the motion to dismiss the appeal would be taken up and decided together. I have your letter of May 14th. I have already written Miss Carrau in answer to her letter and regret I have not a copy here as I forwarded it to my secretary in Portland. I do not think it wise for me to write any further letter to her, you and she will have to fight the matter out, besides I leave the City tomorrow or the next day for the summer and a letter from you would not reach me.

Very sincerely,

JOHN H. MITCHELL.

[Endorsed on Back:] #943. #11. Filed in the U. S. Circuit Court, Western Dist. of Washington. Oct. 30, 1908. A. Reeves Ayres, Clerk. A. N. Moore, Dep. Hays.

No. 1861. U. S. Circuit Court of Appeals, for the Ninth Circuit. "Hays' Exhibit 11." Received Jun. 27, 1910. F. D. Monckton, Clerk.

[Hays' Exhibit No. 12.]

THE SCANDINAVIAN AMERICAN BANK,

Seattle, Wash., Nov. 23, 1905.

Received of W. F. Hays, Forty-six Dollars, for Wire transfer to Clerk Supreme Court, Olympia, Wash.

\$46.00

THE SCANDINAVIAN AMERICAN BANK,

By F. P. TOREY.

STATE OF WASHINGTON,

Supreme Court,

C. S. Reinhart, Clerk.

WALLACE MOUNT, Chief Justice.

Judges

R. O. Dunbar

Hiram E. Hadley

Mark A. Fullerton

Milo A. Root

Frank H. Rudkin

Herman D. Crow

Olympia, Washington, Nov. 21, 1905.

W. F. Hays, Esq.,

Seattle.

Dear Sir: The following is a copy of the letter heretofore sent you:

Olympia, Nov. 9, 1905.

W. F. Hays, Esq.,
Seattle.

Dear Sir: Yours ordering a copy of the transcript O'Calligan vs. Carrau is at hand. As the law requires our fees to be paid in advance, kindly forward \$46, and I will proceed with the work.

Yours Truly,

C. S. REINHART,

Clerk.

[Endorsed on Back:] 943. #12. Filed in the U. S. Circuit Court, Western Dist. of Washington. Oct. 30, 1908. A. Reeves Ayres, Clerk. A. N. Moore, Dep.

No. 1861. U. S. Circuit Court of Appeals, for the Ninth Circuit. "Hays' Exhibit 12." Received Jun. 27, 1910. F. D. Monckton, Clerk.

[Hays' Exhibit No. 13.]

[Written on Western Union Telegraph Company
Blank.]

42 PO BR OR 15 D H 193

Portland, Or., Oct 16, 1905.

W. F. Hays, Atty. at Law, N. Y. Bldg.,
Seattle, Wn.

Will reach Seattle late tonight. Breakfast with me at Washington Hotel nine o'clock tomorrow morning.

JOHN H. MITCHELL.

10:03 a

[Endorsed on Back:] #943. #13. Filed in the U. S. Circuit Court, Western Dist. of Washington. Oct. 30, 1908. A. Reeves Ayres, Clerk. A. N. Moore, Dep. Hays.

No. 1861. U. S. Circuit Court of Appeals, for the Ninth Circuit. "Hays' Exhibit 13." Received Jun. 27, 1910. F. D. Monckton, Clerk.

[Hays' Exhibit No. 14.]

(COPY.)

Portland, Oregon, Nov. 24/05.

Hon. Charles H. Aldrich,
Attorney at Law,
Home Insurance Building,
Chicago, Ill.

Hays, and I engaged preparing papers for Writ of error, Supreme Court, United States, in very complicated important case. It is impossible without great sacrifice for Hays to leave for Chicago until Thursday next, we hope your case can be postponed few days.

JOHN H. MITCHELL.

[Endorsed on Back:] #943. #14. Filed in the U. S. Circuit Court, Western Dist. of Washington. Oct. 30, 1908. A. Reeves Ayres, Clerk. A. N. Moore, Dep. "Hays."

No. 1861. U. S. Circuit Court of Appeals, for the Ninth Circuit. "Hays' Exhibit 14." Received Jun. 27, 1910. F. D. Monckton, Clerk.

[Hays' Exhibit No. 15.]

(COPY.)

John H. Mitchell.

Allan R. Joy,
Notary Public.

MITCHELL & JOY,

Lawyers,

208-209-210 Columbia Block,

cor. Washington & W. Park,

Phone Main 6599,

Portland, Oregon.

November 14, 1905.

Hon. H. D. Mount,

Chief Justice Supreme Court, State of Wash-
ington,

Olympia, Washington.

My dear Judge:—As I understand some question has been raised by Miss Marie Carrau as to my right, and the right of W. F. Hays to appear in her case recently argued and decided in the Supreme Court of your state, I deem it proper that I should submit to you the papers which I felt authorized me to appear in that case; I enclose you therefore herewith a copy of the Articles of Agreement entered into between W. F. Hays and myself on the 18th of October last. Attached thereto and a part of the agreement, you will find four exhibits marked respectively A, B, C, and D. I was also at the date of entering into the two agreements with Mr. Hays, first, Exhibit "A," being his letter to me in Washington, of date April 23, 1904, and at the time of entering into the second agreement of date October 18th, assured by Mr. Hays that the relation between

himself and Miss Carrau had never been changed or dissolved and that he still regarded himself and was, as he stated, the chief counsel of Miss Carrau.

I have felt from the first, and still feel, that I had full authority to appear as I did with Mr. Hays in his recent application for a rehearing. As it is our intention to apply to you at an early date for a writ of error to the Supreme Court of the United States, I sincerely hope the papers in the case may not for a reasonable time be forwarded to the lower court.

—Page 2. (Over)

We have requested a transcript to be made at the earliest moment and will make our application for writ of error just as soon as the papers can be completed.

I am,

Very respectfully,

JOHN H. MITCHELL.

[Endorsed on Back:] 943. #15. Filed in the U. S. Circuit Court, Western Dist. of Washington. Oct. 30, 1908. A. Reeves Ayres, Clerk. A. N. Moore, Dep. "Hays."

No. 1861. U. S. Circuit Court of Appeals, for the Ninth Circuit. "Hays' Exhibit 15." Received Jun. 27, 1910. F. D. Monckton, Clerk.

Hays' Exhibit No. 16.]

JOHN H. MITCHELL, Chairman.

Jos. R. Hawley.
R. A. Alger.
L. H. Ball.
Levi Ankeny.
W. B. Heyburn.

C. A. Culberson.
J. P. Taliaferro.
A. S. Clay.
F. McL. Simmons.
M. J. Foster.

Harry C. Robertson, Clerk.

Committee on Coast Defenses,
UNITED STATES SENATE,
Washington, D. C.,

April 30, 1904.

W. F. Hays, Esq.,
Cambridge, Illinois.

My dear Mr. Hays:

I will have the briefs ready for the printer by Monday. I find on an examination of the rules it will be utterly useless for us to give notice of our motion to dismiss, unless we fix a date for its hearing, and under the rules of the court this notice must be given thirty days before, where the party resides west of the Rocky mountains. At least that is what they tell me now. Consequently, it will be impossible for us to give notice that would be good for that date.

The certiorari of course can be heard and I think will be decided by that time, May 30th, or perhaps by the 16th, if we get our brief filed within the next two or three days.

I have concluded, therefore, that the only thing we can do, and be within the rules, is to give notice that we will move to dismiss the appeal on Monday the 9th day of October, which is the date of the meeting of the Supreme Court. Any other notice would be

simply of no account, and the court would not listen to the motion unless the proper notice was given. Possibly they may advise McKinney to appear for them here. If they do so, then we could serve notice on him, provided he appears any time before three weeks before the 30th of May, as three weeks notice is all that is necessary to serve here.

—Page 2.

I will forward the briefs to you, when printed, at Seattle. I have not yet received a letter from Miss Carrau.

Yours very truly,

JOHN H. MITCHELL.

[Endorsed on Back:] 943. #16. Filed in the U. S. Circuit Court, Western Dist. of Washington. Oct. 30, 1908. A. Reeves Ayres, Clerk. A. N. Moore, Dep. "Hays."

No. 1861. U. S. Circuit Court of Appeals for the Ninth Circuit. "Hays' Exhibit 16." Received Jun. 27, 1910. F. D. Monckton, Clerk.

[Hays' Exhibit No. 17.]

AGREEMENT BETWEEN W. F. HAYS AND
JOHN H. MITCHELL.

SUPPLEMENTAL ARTICLES OF AGREEMENT, Made and entered into at Seattle, Washington, between W. F. Hays, Attorney at Law, of Seattle Washington, and John H. Mitchell, Attorney at Law, of Portland, Oregon, as follows:

WHEREAS, on April 23rd, 1904, the undersigned, W. F. Hays, party of the first part herein, applied to

John H. Mitchell, party of the second part herein, at Washington, D. C., for the purpose of retaining and employing him to aid him, the said W. F. Hays, in preparing briefs and arguing a cause then pending in the Supreme Court of the United States, being numbered 593, October Term, 1903, and entitled Hannah O'Callighan and Edwin Corcoran, appellants, and Terrence O'Brien, as administrator, etc., and Maria Carrau, respondents. The said Hays, for the purpose of showing the said Mitchell his authority to so retain and employ the said Mitchell, submitted to him, the said Mitchell, then and there certain agreements of which the following exhibits hereto attached, are copies, and entitled respectively Exhibits "A," "B," "C" and "D"; and

WHEREAS, on said 23rd day of April, 1904, at Washington, D. C., said Hays did retain and employ said Mitchell to aid him in said cause in said Supreme Court, by a writing of which Exhibit "A," hereto attached, is a copy, which employment was accepted by said Mitchell, and he immediately, in conjunction with said Hays, prepared certain motions and briefs which were filed in said cause, and all of which were intended for the protection of the interests of said Maria Carrau and Terrence O'Brien, Administrator, respondents; and,

WHEREAS, subsequently the said United States Supreme Court decided said cause in favor of said respondents for whom said Hays and Mitchell appeared and affirmed the judgment of the Circuit Court of Appeals therein; and,

WHEREAS further judicial proceedings in which the said Sullivan Estate and the interests of said Maria Carrau and W. F. Hays are involved, are still pending in the Supreme Court of the State of Washington, and in reference to which, and also in reference to any and all other proceedings which may at any time hereafter arise in any court, State or Federal, in which the interest of said Maria Carrau in said Sullivan Estate is involved, said Hays desires the aid and assistance of said John H. Mitchell as his associate counsel, it is therefore hereby agreed that said W. F. Hays, party of the first part herein, does on this date, October 18th, 1905, retain and employ said John H. Mitchell, party of the second part herein, to appear with him as associate counsel for said Maria Carrau in said cause now pending in the Supreme Court of the State of Washington, and in any and all other and further actions, suits and proceedings which may hereafter arise in any State or Federal court involving the interests of said Maria Carrau and said W. F. Hays in said Sullivan estate; which retainer and employment on the terms herein expressed, the said Mitchell accepted and does hereby accept.

And said W. F. Hays hereby covenants and agrees with the said John H. Mitchell that in case of final success establishing the validity of the nuncupative will of said Sullivan and the right of said Maria Carrau thereunder to the said Sullivan estate, that he, the said W. F. Hays, party of the first part herein, will pay to the said John H. Mitchell, party of the second part herein, as full compensation for his said

services as associate counsel and for services rendered said Maria Carrau and said W. F. Hays in acting for and protecting each of their interests under said will and the interest of said Hays under his said retainer and agreements with said Maria Carrau the sum of Twenty-five Thousand (\$25,000.00) Dollars in cash; provided, however, in case of any compromise of said controversy for a less sum than the value of the entire estate involved to said Maria Carrau by mutual consent between us, that the compensation to said Mitchell shall be in like proportion reduced in amount; but in no event shall such compensation to said Mitchell be less than Fifteen Thousand (\$15,000.00) Dollars.

It is further agreed that said Mitchell shall not be liable for any court costs, or costs of printing any briefs in connection with any legal controversies concerning said estate.

All of the foregoing stipulations and agreements are agreed to by the said John H. Mitchell.

It is understood, however, that said John H. Mitchell shall not be called on to render any services or appear in any of the courts in the states of Washington or California at any time when the United States Senate is in session, or for a period of ten days prior to the convening of, or for ten days after the ending of such session, so long as said Mitchell shall continue to be a United States Senator.

The said Mitchell, party of the second part herein, hereby covenants and agrees to do all in his power in connection with said Hays to protect the interest and

claims of said Maria Carrau in said Sullivan Estate under said nuncupative will.

IN TESTIMONY WHEREOF the parties hereto have hereunto set their hands and affixed their seals in duplicate this eighteenth day of October, 1905.

W. F. HAYS.

JOHN H. MITCHELL.

EXHIBIT "A."

Washington, D. C. April 23rd, 1904.

Hon. John H. Mitchell,

Washington, D. C.

Dear Sir:

I desire your assistance in the cause now pending in the United States Supreme Court, Numbered 593, wherein Hannah O'Callaghan and Edward Corcoran are appellants, and Terence O'Brien, as administrator, etc., and Marie Carrau are respondents, and to join with me in the case, in said court, in such briefs and procedure as we shall deem necessary and proper on behalf of the respondent Marie Carrau.

As my compensation is dependent upon the successful conclusion of the case for Miss Carrau, I am unable to advance a cash retainer, but will give you, in case of our successful ministration on her behalf, ten thousand dollars. Should, however, we conclude to compromise the case later on, and mutually agree so to do, it may be practical for this amount, in such event, to be varied. This, however, is left entirely to your discretion.

Sincerely yours,

W. F. HAYS.

EXHIBIT "B."

Seattle, Wash., Oct. 10, 1900.

THIS MEMORANDUM WITNESSETH that

WHEREAS, the late John Sullivan died in the City of Seattle, on the 26th day of September, 1900, leaving a large estate in money and property, and in which the undersigned, Marie Carrau, is by right and lawfully entitled to inherit the same, or at least a large portion thereof, and

WHEREAS, it is necessary for the said Marie Carrau in order to assert her right to said interest in said decedents estate it is necessary to prosecute an action at law, or some other proceeding to be taken,

THEREFORE, the undersigned, Marie Carrau, hereby retains and employs W. F. Hays, Attorney at Law, to take such proceedings and prosecute such suit or suits, action or actions as to him shall seem most proper and expedient under the facts and the law, and for such services the said Marie Carrau agrees to pay to the said Hays as Attorney's fees a sum of money equal to one half ($\frac{1}{2}$) of whatever sum may be realized by him for her in any such action or proceeding, or by any compromise that may be affected, and this to be compensation in full to the said Hays for such services.

It is understood that whatever costs, fees or charges of the Court in such action or proceeding that may be required to be advanced shall be deducted from the sum so recovered and the sum payable to the said Hays shall be reckoned upon said basis.

It is further understood that said compensation in case of the securing of property that the property to be paid shall be equally divided according to the conditions of this employment by mutual division.

This agreement in duplicate.

MARIE CARRAU.

W. F. HAYS.

Witness:

LOUIS DAUSSAT.

ALICE BARTA.

EXHIBIT "C."

THIS MEMORANDUM OF AGREEMENT WITNESSETH, That

WHEREAS, the late John Sullivan died in the City of Seattle on the 26th day of September, 1900, leaving an estate consisting of money, personal property and real estate estimated to be worth about the sum of Five hundred thousand dollars (\$500,000); and the said John Sullivan prior to his said death, to wit, on the 25th day of September, 1900, made, declared and published his last will and testament, by the terms of which will he made the undersigned Marie Carrau his sole legatee, and

WHEREAS, it is necessary for the said Marie Carrau in order to assert her right under said will to be decedent's estate, and for the purpose of obtaining the ultimate ownership of said estate, or whatever right, title or interest she may have, or may hereafter have, or decreed to her, it is necessary to employ Attorneys, and for such purpose the said, the undersigned Marie Carrau hereby retains and em-

employs as her principal and Senior Counsel W. F. Hays, Attorney at Law, and she hereby authorizes and empowers the said W. F. Hays to take such proceedings and prosecute such suit or suits, action or actions, as to him shall seem most proper and expedient under the facts and the law; and the said Marie Carrau hereby agrees not to employ any other additional or associate Counsel or Attorney without the written consent and direction of the said Hays, the said Hays to have the sole direction and management of the matters connected with the estate of the said John Sullivan as above indicated, and

I HEREBY AGREE TO PAY to the said Hays as my said Attorney a sum of money equal to one half ($\frac{1}{2}$) of whatever sum of money may be obtained for the said Marie Carrau, and a sum of money equal to one-half ($\frac{1}{2}$) of whatever sum that may be recovered herein in the form of property, the valuation thereof to be made by the said Hays and the undersigned Marie Carrau by mutual agreement as to said valuation, if agreement thereon is had, and if not, that the sum may be determined by arbitration as to the amount and value of the property so recovered for the said Marie Carrau, and

IT IS UNDERSTOOD AND AGREED on the part of the said Marie Carrau that she will pay such compensation either in cash or by the execution of a first mortgage upon the property so obtained by her, or that she will execute a deed for the undivided one-half ($\frac{1}{2}$) interest in said property when the same shall have been by her obtained.

IT IS FURTHER UNDERSTOOD AND AGREED that the said Marie Carrau shall have the right to employ, with the consent and approval of the said Hays, associate Counsel herein, and to pay said associate Counsel a sum of money not exceeding 10% of the entire sum of said estate, and when so paid or final settlement shall be made between the said Marie Carrau and the said Hays that the sum paid out for associate Counsel shall be deducted from the sum total of said estate, and the amount payable under the terms of this contract to the said Hays to be bottomed upon the sum remaining after making said deduction for the said associate Counsel.

IT IS UNDERSTOOD that whatever costs, fees or charges of the Court in such action or proceeding that may be required or advanced shall be paid by the said Marie Carrau out of said estate, and the sum herein agreed to be paid to the said Hays is to be the one-half ($1/2$) of said estate after making said deductions for associate Counsel and costs or necessary expenses in the premises.

IN WITNESS WHEREOF we have hereunto set our hands this 7th day of March, 1901, at Seattle, Washington.

MARIE CARRAU.

W. F. HAYS.

EXHIBIT "D."

June 15th, 1901.

I the undersigned have this day retained and hereby employ Jos. W. Robinson, Attorney at Law of Olympia, Washington, to act for me in the capacity

of associate Counsel in the matter of enforcing my claims to the property both real and personal left to me by the late John Sullivan, whose estate is now in process of settlement in the Superior Court of King County, Washington, Said Robinson is to give his best talents and employ his best energies for me and in my behalf as such Attorney until the final vesting in me of the property of said estate or so much thereof as shall be decreed to me finally, and said Robinson is to co-operate with my senior Counsel W. F. Hays of Seattle, Washington.

I am to pay to said Robinson for such services in case I am finally decreed both the real and personal property of said estate the sum of Five thousand dollars but should I be finally decreed the personal property of said estate and not the real estate, then and in that event I am to pay the said Robinson as such Attorney for said services the sum of Five hundred dollars the same in either case or event to be in full of all demands.

MARIE CARRAU.

Witness;

W. F. HAYS.

[Endorsed on Back:] #943. #17. Filed in the U. S. Circuit Court, Western Dist. of Washington. Oct. 30, 1908. A. Reeves Ayres, Clerk. A. N. Moore, Dep. "Hays."

No. 1861. U. S. Circuit Court of Appeals, for the Ninth Circuit. "Hays' Exhibit 17:" Received Jun. 27, 1910. F. D. Monckton, Clerk.

[Hays' Exhibit No. 18.]

Seattle, Wash., April 19, 1902.

WHEREAS the undersigned Marie Carrau is prosecuting a suit in the Superior Court of King County, Washington, and also in the Federal Court to establish in her favor a will of the late John Sullivan, deceased, and necessarily is required therein to expend money in payment for testimony taken before the Special Commissioner, Eben Smith, Esq., in the sum of Four Hundred and Fifty Dollars, and in order to secure said testimony it is necessary to give a promissory note therefor, secured by W. M. Russell as surety, and to compensate the said Russell for such assistance in furnishing the said \$450;

It is hereby mutually agreed that in the event the said Marie Carrau shall succeed in establishing the will of the said John Sullivan, deceased, and in obtaining the property of the said Sullivan under said will, the said Marie Carrau, in addition to the repayment of the said \$450 with interest at eight per cent per annum, hereby agrees to give as a bonus to said Russell the further sum of Five Hundred Dollars (\$500) when the same shall be by her obtained out of said estate.

In witness whereof the parties have hereunto set their hands this 19th day of April, 1902.

MARIE CARRAU.

[Endorsed on Back:] #943. #18. Filed in the U. S. Circuit Court, Western Dist. of Washington. Oct. 30, 1908. A. Reeves Ayres, Clerk. A. N. Moore, Dep. "Hays."

No. 1861. U. S. Circuit Court of Appeals, for the Ninth Circuit. "Hays' Exhibit 18." Received Jun. 27, 1910. F. D. Monckton, Clerk.

[Hays' Exhibit No. 19.]

Seattle, Wn., March 28, 1902.

Mr. W. F. Hays,

To EBEN SMITH, Master in Chancery, Dr.

To services of the Master in Chancery and stenographers, in case No. 943, Hanna Callahan et al. v. Terence O'Brien et al.,

Feb.	3, hearing adjourned	\$ 10.00
"	10, 15, 18, 19, 20, hearing of testimony, @ \$20 per day, five days.....	100.00
"	21, 24, 25, hearings adjourned, 3¼ days.	30.00
Mch.	3, hearing adjourned, ½ day.....	10.00
"	4, hearing of testimony.....	20.00
"	5, and 6, two days hearing testimony..	40.00
"	7, hearing adjourned	10.00
"	8, and 10, hearing of testimony, two days	40.00
"	11, 12, 13, 20, 21, 22 and 24, reading of testimony at which stenographer was present to report corrections, seven ½ days	70.00
"	17, 18, and 19, at which stenographer was not present during reading of testimony three half days.....	15.00
To administering oath to 16 witnesses @ 20¢ each		3.20
To transcript of 1345 folios original testimony of defendants witnesses, @ 20¢ per folio		269.00

\$617.20

[Endorsed on Back:] #943. #19. Filed in the U. S. Circuit Court, Western Dist. of Washington. Oct. 30, 1908. A. Reeves Ayres, Clerk. A. N. Moore, Dep. "Hays."

No. 1861. U. S. Circuit Court of Appeals, for the Ninth Circuit. "Hays' Exhibit 19." Received Jun. 27, 1910. F. D. Monckton, Clerk.

[Hays' Exhibit No. 20.]

In the United States Circuit Court of Appeals.

No. —

JOHANNA CALLAGHAN and EDWARD CORCORAN,

Complainants,

vs.

TERRENCE O'BRIEN, as Administrator of the Estate of JOHN SULLIVAN, Deceased, and MARIE CARRAU,

Defendants in Error.

PROOF OF SERVICE OF BRIEF.

State of Washington,
County of King,—ss.

J. J. Hays, being duly sworn, on oath deposes and says: That he is a citizen of the United States, residing in Seattle, King County, Washington, not a party to or interested in the above-entitled action, and competent to be a witness therein and over the age of 21 years.

That on this 27th day of January, 1903, between the hours of 9 o'clock A. M. and 4 o'clock P. M. at

the office of Piles, Donworth & Howe, Attorneys for complainants, at Seattle, King County, Washington, he served the complainants with the Brief of Defendant in Error by then and there delivering to James B. Howe, one of the attorneys for complainants, a printed and true copy thereof.

J. J. HAYS.

Subscribed and sworn to before me this 27th day January, 1903.

[Seal] NELSON MACPHERSON,
Notary Public in and for King County, Wash-
ington, Residing at Seattle.

[Endorsed on Back:] #943. #20. Filed in the U. S. Circuit Court, Western Dist. of Washington. Oct. 30, 1908. A. Reeves Ayres, Clerk. A. N. Moore, Dep. "Hays."

No. 1861. U. S. Circuit Court of Appeals, for the Ninth Circuit. "Hays' Exhibit 20." Received Jun. 27, 1910. F. D. Monckton, Clerk.

[Hays' Exhibit No. 21.]

W. F. HAYS,
Attorney at Law,
New York Building. Seattle, Wash.
January 13th, 1904.

Miss Marie Carrau,

1417 Seventh Ave., CITY.

Madam: Owing to the present status of your case in the various courts, I deem it of vital importance

to both you and myself that the question of my further uninterrupted management and direction of the case be settled at the earliest date possible, and if we can not, within ourselves, amicably determine this matter, then, for the reasons above stated, I wish you to make your heretofore threatened application to the Court that this question may be settled at once. There are matters which require immediate action, and my interests in the case are too great, from a selfish standpoint, to be further waived. I have never deemed it necessary to answer seriatim your various and extensively enumerated "grievances." I feel that my service in your case has been of such inestimable value to you, that it would be a mockery for me to answer them. I have felt that certain evil and designing influences had wrought the effect upon you, which time would bring you to realize. It seems, however, I am in this disappointed. I, therefore, desire that you shall take such steps at once as shall be necessary to put an end to this controversy between yourself and myself. I am unwilling to risk the interests which I have in this case, in the hands of any other lawyer, as I believe I, having formulated the theory of the case from its inception, both offensive and defensive, am better qualified than any other man can hope to be.

Hoping that you will act in this matter at once, I am,

Yours very truly,

W. F. HAYS.

Dictated.

[Envelope.]

W. F. HAYS,

Attorney at Law.

New York Building. Seattle, Wash.

RETURN TO THE ABOVE ADDRESS.

~~Miss Maria Carrau,~~

~~1417 Seventh Avenue,~~

~~City.~~

[Endorsed on Back:] #943. #21. Main 1673.
Filed in the U. S. Circuit Court, Western Dist. of
Washington. Oct. 30, 1908. A. Reeves Ayres, Clerk.
A. N. Moore, Dep. "Hays."

No. 1861. U. S. Circuit Court of Appeals for the
Ninth Circuit. "Hays' Exhibit 21." Received Jun.
27, 1910. F. D. Monckton, Clerk.

[Robinson's Exhibit "A."]

THE HARPER HOUSE,
Rock Island, Ill.
Chas. McHugh,
Manager.

American Plan

THE NATIONAL
J. E. MONTROSE,
Manager.

Peoria, Ill., Sept. 16th, 1902.

My Dear Miss Carrau.

I am Just en route to Chicago and have a few minutes between trains. I suppose ere this reaches you the appeal will have been properly taken, though as I have always *contended* Hanfords decision unappealed from or *unreversed* can not be successfully invoked in the State Court or elsewhere against us,

though I advised appeal on account of the *moral* effect. I shall however leave the matter of appeal to my associates agreeable to your expressed wishes.

I hope you will allow nothing to discourage you as to the ultimate results nor allow any *poison* to enter your *ear* to divide you from my fullest confidence as your success in this case *hinges* on this *certainty*.

In haste

Sincerely Yours,

W. F. HAYS.

[Endorsed on Back:] 943. A. Filed in the U. S. Circuit Court, Western Dist. of Washington. Oct. 30, 1908. A. Reeves Ayres, Clerk. A. N. Moore, Dep. Robinson.

No. 1861. U. S. Circuit Court of Appeals, for the Ninth Circuit. Robinson's Exhibit "A." Received Jun. 27, 1910. F. D. Monckton, Clerk.

[Robinson's Exhibit "B."]

F. D. Monckton,
Clerk.

Office of Clerk

U. S. CIRCUIT COURT OF APPEALS,
for the Ninth Circuit.

San Francisco, Cal., 16 Decr. 1902.

Marie Carrau,

1417 Seventh Ave., Seattle, Wash.

Dear Madam: Under the provisions of Rule 23 of the Rules of Practice of the Circuit Court of Appeals, I beg to notify you that the estimated expense of printing the record, including the clerk's fee for supervision, etc., in the cause entitled Marie Carrau

v. O'Callaghan et al., No. 925, amounts to the sum of fifteen hundred and twenty-two and 80/100 (1522.80) dollars.

You will please note that the above amount must be *promptly* paid over to me, and if, for the want of such *prompt* payment, the record shall not have been printed when the case is reached for argument, the same *shall be dismissed*.

I respectfully invite your immediate action in the matter.

Remit only by draft or postal money order. Checks by mail not credited.

Very truly yours,

F. D. MONCKTON,

Clerk.

RULE 23—PRINTING RECORDS.

“1. Hereafter all records shall be printed under the supervision of the clerk, and upon the docketing of a cause, he shall cause an estimate to be made of the expense of printing the record, and his fee for preparing it for the printer and supervising the printing, and shall notify the party docketing the case of the amount of the estimate. If the amount so estimated is not promptly paid over to the clerk and for want of such payment the record shall not have been printed when a case is reached for argument, the case shall be dismissed.

2. Upon payment of the amount estimated by the clerk, thirty copies of the record shall be printed, under his supervision, for the use of the court and of counsel. * * * ”

DISTRICT OF WASHINGTON

\$19. Seattle, Dec. 19, 1902.

Received from Marie Carrau ~~Proctor~~ ~~Attorney~~
for the sum of Nineteen Dollars on account Balance of
Clerks fees in cause of Callaghan vs. Carrau No.
943, U. S. Circuit Court.

A. REEVES AYRES,
Clerk.

By H. M. Walthew,
Deputy.

~~Referee's Fee \$10.00~~

~~Clerk's Fee \$10.00~~

~~Trustee's Fee \$ 5.00~~

No. 925.

*U. S. Circuit Court of Appeals,
for the Ninth Circuit.*

MARIE CARRAU

vs.

HANNAH O'CALLAGHAN et al.

San Francisco, Feb. 14, 1903.

Due from Appellant.

Balance due on % of printing record . . 46.50

Received payment of the above, this 20 day of Feb-
ruary, 1903.

F. D. MONCKTON,
Clerk.

*In the Circuit Court of the United States for the
District of Washington.*

No. 943.

HANNAH O'CALLIGAN et al.,

Complainants,

vs.

TERENCE O'BRIEN, as Administrator, and
MARIE CARRAU.

\$400.

Seattle, Wash., Oct 9, 1902.

Received, this day, of Marie Carrau, the sum of four hundred dollars (\$400), the same being deposited by said Marie Carrau to cover the cost of the record on appeal now being prepared by me in the above-entitled action, said sum of \$400 being my estimate of the amount of the cost of such record.

A. REEVES AYRES,

Clerk U. S. Circuit Court.

By R. M. Hopkins,

Deputy Clerk.

*In the Circuit Court of the United States for the
District of Washington, Northern Division.*

IN EQUITY.

No. 943.

HANNAH CALLAGHAN and EDWARD COR-
CORAN

vs.

TERENCE O'BRIEN, as Administrator, &c., and
MARIE CARRAU.

Marie Carrau,

In account with

R. M. HOPKINS, Deputy Clerk. Dr.

	To fees incurred by Respondent in filing papers, recording orders, etc., during progress of suit. . . . \$	10.45
Dec. 11.	To preparing and certifying rec- ord on appeal on behalf of Re- spondent, 4029 fo. @ 10¢	402.90
	To Clerk's certificates to record and exhibits, 4 @ 35¢ ea.	1.40
	To cash disbursed for binding rec- ord	2.00
	To cash disbursed for expressage on record	2.25
		<hr/>
		\$419.00
	Credit by cash deposit made by ap- pellant upon perfecting appeal.	400.00
		<hr/>
	Balance due me	\$ 19.00
		<hr/>

JOHN F. DORE.

Lawyer,
Seattle, Washington.

May 2/03.

Received of Miss Marie Carrau Twenty-two and 50/100 Dollars on acct. printing Briefs.

JOHN F. DORE.

K

[Endorsed on Back:] # 943. B. Filed in the U. S. Circuit Court, Western Dist. of Washington. Oct. 30, 1908. A. Reeves Ayres, Clerk. A. N. Moore, Dep. "Robinson."

No. 1861. U. S. Circuit Court of Appeals, for the Ninth Circuit. Robinson's Exhibit "B." Received Jun. 27, 1910. F. D. Monckton, Clerk.

[Robinson's Exhibit "C."]

Law Office of
J. W. ROBINSON
Olympia, Wash.

Olympia, Washington, April 13th, 1908.

Miss Marie Carrau,
232 Belmont Avenue, North,
Seattle, Washington.

Dear Miss Carrau: Your recent letter has been neglected because I have been away from home, but I enclose you herewith a carbon copy of the assignment of the judgment and attached thereto a statement which will explain itself.

This has all been done in accordance with our talk and the purpose was to protect everybody who had advanced money to assist you, including myself, and if the Irish-heirs secure title to this property, this judgment will of course be good and be paid, and I will apply the funds from the same in accordance with your direction, to Mr. Russell, Mr. Shasty, Mr. Ferguson and all others holding an interest therein.

As I have said to you often, I will collect the judgment against the United States Fidelity and Guaranty Company, as soon as possible and certainly your friends should know that I will not give them any more time than I can possibly help, but I do not intend to be foolish and attempt to do things which the law prevents me from doing, and when the same is paid I will certainly apply it as you have directed, and I have already arranged so that if anything should happen me, it goes back to you.

Yours very truly,

J. W. ROBINSON.

[Endorsed on Back:] #943. C. Filed in the U. S. Circuit Court, Western Dist. of Washington. Oct. 30, 1908. A. Reeves Ayres, Clerk. A. N. Moore, Dep. Robinson.

No. 1861. U. S. Circuit Court of Appeals, for the Ninth Circuit. Robinson's Exhibit "C." Received Jun. 27, 1910. F. D. Monckton, Clerk.

[**Robinson's Exhibit "D."**]

Office of the Clerk,
SUPREME COURT OF THE UNITED STATES,
Washington, D. C.

July 3, 1905.

J. W. Robinson, Esq.,
Olympia, Wash.

Dear Sir: I today received a telegram signed Marie Carrau as follows: "Hays does not represent me. Do not send mandate or fee to any one but Robinson." On the 27th ult., I mailed the mandate in case of Farrell, Adm'r, et al. v. O'Brien, Adm'r, et al., No. 193, Oct. Term, 1904, to William F. Hays, Care Palmer House, Chicago, Ill., and I have today written to him, requesting him to at once forward the mandate to the clerk of the U. S. Circuit Court for the Western District of Washington and informing him that if he does not do so a duplicate of the mandate will be issued by me to said clerk. If the mandate sent to Mr. Hays is not filed with the above mentioned clerk in due time, I will at once send a duplicate of same to the clerk on receipt of advice from you or said clerk that the mandate has not yet been received and filed. Check for amount of taxed attorney fee, \$20.00, was sent to Mr. Hays with the mandate, and as his appearance is regularly entered for appellees in the case as well as yours and that of John H. Mitchell, and there was nothing on file with me to show that he was no longer of counsel in the case, the matter of the attorney respondents in above case will be the one attorney fee of \$20.00.

Nothing has been done by the Court in case "In the Matter of the petition of J. W. Robinson and Marie Carrau for a writ of habeas corpus" since the case was docketed. It is numbered 111 on the docket for the October Term, 1905, and will probably be reached for hearing some time during the month of December, 1905.

Yours truly,

JAS. H. MCKENNEY,
Clerk, Supreme Court, U. S.

[Endorsed on Back:] #943. D. Filed in the U. S. Circuit Court, Western Dist. of Washington. Oct. 30, 1908. A. Reeves Ayres, Clerk. A. N. Moore, Dep. Robinson.

No. 1861. U. S. Circuit Court of Appeals, for the Ninth Circuit. Robinson's Exhibit "D." Received Jun. 27, 1910. F. D. Monckton, Clerk.